

UNITED STATES DISTRICT COURT

United States Courts
Southern District of Texas
FILED

for the
Southern District of Texas

March 24, 2021

David J. Bradley, Clerk of Court

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

THE PERSON OF MIKELL JOWAN PHILLIPS, DATE OF
BIRTH 8/17/1981

Case No. **3:21-mj-72**

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A (incorporated by reference).

located in the Southern District of Texas, there is now concealed (identify the person or describe the property to be seized):

See Attachment B (incorporated by reference).

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 371 and 2113(a)	Conspiracy to Commit Bank Robbery
18 U.S.C. § 2113(c)	Bank Robbery

The application is based on these facts:
(See the Affidavit In Support of Search Warrant)

- ☐ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Rafael Vences, FBI Special Agent

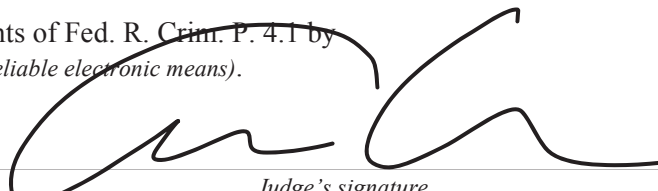
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone (specify reliable electronic means).

Date:

3-24-21

City and state: Houston, Texas



Judge's signature

Hon. Andrew M. Edison, United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

IN THE MATTER OF THE SEARCH OF
THE PERSON OF MIKELL JOWAN
PHILLIPS, DATE OF BIRTH 08/17/1981

Case No. **3:21-mj-72**

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, **Rafael Vences**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for the deoxyribonucleic acid (DNA) of Mikell Jowan PHILLIPS (PHILLIPS), more particularly described in Attachments A and B herein. Upon receipt of the information described in Attachment B, the collected DNA sample will be submitted to the Texas Department of Public Safety (DPS) Crime Laboratory to compare the DNA of PHILLIPS to physical evidence.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been since March 25, 2012. Affiant received nineteen (19) weeks of training in criminal investigations and related legal matters at the FBI Training Academy in Quantico, Virginia. Affiant has received courses of instruction from the FBI relating to investigative techniques utilized in violent crime, financial investigations, and narcotics investigations. Affiant has conducted investigations involving the interception of wire and electronic communications, and the approval of location-based search warrants involving cellular devices. Affiant has participated in and conducted investigations which have resulted in the arrests of

individuals who have committed bank robbery against financial institutions insured by the Federal Deposit Insurance Corporation (FDIC).

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Conspiracy to Commit Bank Robbery under 18 U.S.C. § 371 and 2113(a), and Bank Robbery, under 18 U.S.C. § 2113(c) have been committed, are being committed, and will be committed by Tony MITCHELL (MITCHELL), and others yet unknown. A co-conspirator of MITCHELL's, Leeward HOPKINS (HOPKINS) perished in an automobile accident while evading law enforcement on September 12, 2019. There is also probable cause to search the information described in Attachment A for evidence of these crimes as further described in Attachment B.

PROBABLE CAUSE

5. The United States is investigating the robbery of the First State Bank of Louise, a financial institution insured by the FDIC, which took place on September 12, 2019. The investigation concerns possible violations of, Bank Robbery under 18 U.S.C. § 2113(a) and using firearms during and in relation to crimes of violence, under 18 U.S.C. § 924(c)(1)(A).

6. At approximately 11:22 a.m. on September 12, 2019 two (2) unidentified subjects (UNSUBS) disguised with face coverings entered the front door of the First State Bank of Louise

located at 505 E. Boling Highway, Wharton, Texas. The two (2) UNSUBS brandished semi-automatic pistols which they pointed at bank employees while making oral demands.

7. The UNSUBS made their way behind the teller counters and gained access to the money inside some of the teller tills. The UNSUBS then had one of the tellers open the bank vault. One of the UNSUBS emptied all the cash contained in the vault into a bag. Shortly after emptying the cash from the bank's vault the two (2) UNSUBS exited the bank from the front door at approximately 11:25 a.m. The reported loss from the First State Bank of Louise was approximately \$274,387 in U.S. currency. First State of Louise bank records provided to Affiant indicated that five (5) bait bills had been taken by the UNSUBS. The bait bill's serial numbers were provided to Affiant and recorded by Affiant.

8. During witness interviews, bank employees who were in the bank at the time of the robbery described the UNSUBS as black males. Subsequently, Wharton Police Department (WPD) detectives were able to obtain video surveillance footage from an adjacent business which captured video of the UNSUBS prior to and after the bank robbery. The video surveillance system captured the UNSUBS without any facial covering. The WPD posted video stills of the unmasked UNSUBS on the WPD Facebook page.

9. Later that same day, Affiant was notified of the bank robbery and contacted WPD investigators regarding the robbery which had taken place earlier. WPD detectives directed Affiant to their WPD public Facebook page where the video still images of the UNSUBS were posted. After navigating to the WPD Facebook page Affiant immediately recognized the UNSUBS as Tony Wayne MITCHELL (MITCHELL) and Leeward Demon HOPKINS (HOPKINS). MITCHELL and HOPKINS were suspects in multiple other bank robberies being investigated by Affiant.

10. Further, Affiant received a telephone call from a confidential human source (CHS), hereinafter referred to as “CS-1,” regarding the bank robbery which had taken place in Wharton, Texas. CS-1 indicated that he/she had reviewed the WPD Facebook page and saw that video surveillance photos of MITCHELL and HOPKINS were posted as unidentified suspects in a bank robbery in Wharton, Texas. CS-1 stated to Affiant that he/she was sure the persons in the photos were MITCHELL and HOPKINS.

11. Affiant contacted WPD detectives and provided the detectives the identifiers and photos of MITCHELL and HOPKINS. Subsequently, WPD detectives obtained arrest warrants for MITCHELL and HOPKINS.

12. Later, on the evening of September 12, 2019 law enforcement officers from the Houston Police Department (HPD) commenced physical surveillance of MITCHELL’s last known residence located at 9007 Alcott Drive, Houston, Texas. While conducting surveillance HPD officers observed a black male fitting the description of MITCHELL exit the residence located at 9007 Alcott and enter a white Infinity sedan which bore Texas License Plate No. GJL 7436. HPD officers noticed the Infinity had an expired registration sticker and the vehicle failed to stop at the stop sign located at the intersection of Alcott and Hollister streets. HPD officers effected a traffic stop on the white Infinity which resulted in a pursuit and crash near 12100 Hempstead Road.

13. The driver of the vehicle was identified as Mikell PHILLIPS (PHILLIPS). Inside the Infinity HPD officers located amongst other things approximately one and seven-tenths (1.7) kilograms of ecstasy pills, \$96,150 in U.S. currency, and four (4) cellular telephones. PHILLIPS was also found to have nine (9) outstanding felony warrants and one (1) misdemeanor warrant.

PHILLIPS was taken into custody and charged with “Possession with Intent to Distribute a Controlled Substance,” and “Evading in a Motor Vehicle.”

14. HPD detectives reviewed the US currency seized from PHILLIPS and determined that some of the currency was bundled with bands. HPD shared this information with the WPD and WPD detectives determined the bands were similar to the money bands used by the First State Bank of Louise in Wharton, Texas. On November 20, 2019 Affiant had the U.S. currency seized from PHILLIPS scanned and re-counted using a Cummins Allison JetScan model iFX100 money counting machine and currency scanner. Later that same day Affiant used the scanned currency images to perform a search for the serial numbers of the bait bills discussed in paragraph seven (7) above. Affiant’s search identified all five (5) bait bills in the U.S. currency seized from PHILLIPS.

15. Based on my training, experience, and knowledge of the facts and circumstances of this investigation Affiant logically concluded that the U.S. currency possessed by PHILLIPS was the same U.S. currency taken by MITCHELL and HOPKINS from the First State Bank of Louise on September 12, 2019. A search of MITCHELL’s social media (Facebook) page indicated MITCHELL is “Facebook friends” with PHILLIPS. Further, CS-1 indicated to Affiant that MITCHELL and PHILLIPS are friends. This information was corroborated by MITCHELL and HOPKINS’ friend Tiffany GUILLORY (GUILLORY) whom Affiant interviewed on September 13, 2019. GUILLORY indicated that PHILLIPS was from Dallas, Texas, and a close friend of MITCHELL. GUILLORY also indicated to Affiant that the evening before the robbery on September 11, 2019, MITCHELL requested GUILLORY let MITCHELL borrow her dark blue Jeep Cherokee. GUILLORY agreed and MITCHELL left with GUILLORY’s Jeep Cherokee. GUILLORY reacquired her Jeep Cherokee on the evening of September 12, 2019

from a female associate of MITCHELL's. Affiant is aware that multiple witnesses observed a dark colored SUV in the vicinity of the First State Bank of Louise around the time of the robbery. GUILLORY's Jeep Cherokee was subsequently towed to the WPD in Wharton, Texas. On September 17, 2019 WPD detectives collected DNA evidence from the steering wheel of GUILLORY's Jeep Cherokee.

16. On January 6, 2020, the Honorable Andrew M. Edison (Judge Edison), Magistrate Judge for the Southern District of Texas signed an Order authorizing the acquisition of historical cell-site data related to the telephones in the possession of PHILLIPS at the time of his arrest by HPD. A review of cell-site data related to PHILLIPS' telephone (832) 612-6785 revealed that on September 12, 2019 at 10:36 a.m. PHILLIPS' telephone communicated with a Sprint cellular tower located in Wharton, Texas. This date and time correspond to the same day and approximately one (1) hour prior to the robbery of the First State Bank of Louise discussed hereinabove.

17. Based on my training, experience, and knowledge of the facts and circumstances of this investigation, and Affiant's review of video surveillance footage on the day of the robbery of the First State Bank of Louise, Affiant concluded that **MITCHELL** and **HOPKINS** were dropped off and picked up during the robbery by a yet unidentified co-conspirator. Further, based on my training, experience, knowledge of the facts and circumstances of this investigation, PHILLIPS' association with MITCHELL, PHILLIPS' possession of the bank's bait bills, and the communication between PHILLIPS' cellular telephone and the Sprint cellular tower located in Wharton, Texas on the morning of the bank robbery, Affiant believes that there is probable cause to believe PHILLIPS may have assisted MITCHELL and HOPKINS with the bank robbery. As

such Affiant respectfully requests that a search warrant be issued for the search and seizure of those items described in attachments A and B.

Respectfully submitted,



Rafael Vences
Special Agent
Federal Bureau of Investigation

Subscribed and sworn via telephone on March 24, 2021



ANDREW M. EDISON
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Description of Person to be Searched

Mikell Jowan PHILLIPS, black male, date of birth August 17, 1981. PHILLIPS is currently in custody at the Harris County Jail (SPN 01754540), 701 N. San Jacinto St., Houston, Texas 77002.

ATTACHMENT B

Particular Things to be Seized

Evidence in the form of deoxyribonucleic acid (DNA) to be obtained from Mikell Jowan PHILLIPS through oral cotton/buccal swabs.